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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,294	03/13/2006	Lee Underwood	36290-0392-00-US (221804)	3518
23973 7590 08/19/2009 DRINKER BIDDLE & REATH ATTN: INTELLECTUAL PROPERTY GROUP ONE LOGAN SQUARE 18TH AND CHERRY STREETS PHILADELPHIA, PA 19103-6996				
EXAMINER GIRMA, FEKADESE/ELASS				
ART UNIT		PAPER NUMBER		
2612				
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08/19/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,294

Applicant(s)

UNDERWOOD ET AL.

Examiner

Fekadeselassie Girma

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-7, 9, 11, and 13 are amended, claim 8 is cancelled, and claims 15-17 are added. Therefore claims 1-7 and 9-17 are currently pending in the application.

Objections to the Drawing

2. The drawings are objected to under 37 CFR 1.84 (o) because the boxes in Fig. 1 & Fig. 2 fail to show descriptive legends. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is

required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Objections to the Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant’s use.

Arrangement of the Specification

4. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase “Not Applicable” should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A “Sequence Listing” is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required “Sequence Listing” is not submitted as an electronic document on compact disc).

Appropriate correction required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valadez (US 4969991) in view of Kuennen (US 2002/0189986).

As to claim 1, Valadez in, Water purifying and dispensing system, discloses having the claimed a data carrier met by controller (Col. 5, Lines 7-12); code relating to an operation of water treatment apparatus read on Col. 5, Lines 8-12. Valadez does not disclose a separable pass key in communication with apparatus.

However, Kuennen in a point-of-use water treatment system (WTS) unit for filtering and treating contaminants in water, teaches a pass key met by electronics assembly 66; a water treatment apparatus adapted to read the pass key when the pass key is in communication with the apparatus read on ¶ 0074, Lines 17-20; the pass key being separable from the water treatment apparatus read on Fig. 5, ¶ 0069, and ¶ 0071, Lines 7-14. The artisan recognizes the obviousness of a sensor on electronics assembly 66 inductively powers and communicates with smart chip 112 to obtain details on filter usage. Opening 186 is sized to hold smart chip 112 in an interference or press fit. Smart chip 112 serves the purpose of recording and transmitting information to electronics assembly 66. Smart chip 250 electronically communicates with

electrical assembly 66. Smart chip 250 measures various operating parameters of lamp assembly 24. Light pipe 252 converts UV light from within lamp assembly 24 to visible light which is sensed by a light sensor on electronics assembly 66. FIG. 4 illustrates an exploded view of major subcomponents of WTS unit 20 including a base unit 22, a lamp assembly 24 and a filter assembly 26. Lamp assembly 24 and filter assembly 26 are individually removable and replaceable from base unit 22. Filter assembly 26 is first removed from base unit 22 and then lamp assembly 24 can be dismounted from base unit 22. Similarly, lamp assembly 24 is first mounted to base unit 22. Then, filter assembly 26 is coaxially placed over lamp assembly 24 and bayonet mounted to base unit 22 when WTS unit 20 is being reassembled.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Point-of-use water treatment system of Kuennen into Valadez in order to provide a reliable tracking of valuable information by placing a sensor and communication device on a water treatment assembly.

As to claim 13, Valadez in view of Kuennen discloses all claimed limitations. Kuennen further teaches one or more operations of the water treatment apparatus are only operable by conjunction of a programmable pass key read on ¶ 0074, Lines 17-20 & ¶ 0086, Lines 7-17. The artisan recognizes the obviousness of Smart chip 112 serves the purpose of recording and transmitting information to electronics assembly 66. Smart chip 250 electronically communicates with electrical assembly 66. Smart chip 250 measures various operating parameters of lamp assembly 24. Light pipe 252 converts UV light from within lamp assembly 24 to visible light which is sensed by a light sensor on electronics assembly 66.

Therefore, it would have been obvious to one ordinary skill in the art at the time of

invention to incorporate the Point-of-use water treatment system of Kuennen into Valadez in order to provide a reliable tracking of valuable information by placing a sensor and communication device on a water treatment assembly.

As to claim 14, Valadez discloses the one or more operations comprise filtration, sanitization and/or recirculation read on Col. 2, Lines 57 – Col.3, Lines 7.

7. Claims 2-7, 9-12, and 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Valadez in view of Kuennen further in view of Alve (US 6988204).

As to claim 2, Valadez in view of Kuennen discloses all claimed limitations except pass key and apparatus combination are programmable. Alve further discloses the pass key and apparatus combination is programmable read on Col. 10, Lines 28-34. The artisan recognizes the obviousness of microprocessor card smart card having components such as a processor, ROM (Read-Only Memory), EEPROM (Electrically Erasable Programmable Read-Only Memory), and RAM (Random-Access Memory). The smart card may further be Java Card compliant. Placed into the KDC's EEPROM and/or ROM may be code for, in ways that will be described in more detail below, managing and distributing access keys stored thereupon. Computer 5000 as shown in this example also includes an LCD display unit 5001, a keyboard 5002 and a mouse 5003. Computer 5000 may additionally include or be attached to card readers, DVD drives, or floppy disk drives whereby media containing program code may be inserted for the purpose of loading the code onto the computer. The code may be a modification of an existing source or something completely new. The purpose of programming is to create a program that exhibits a certain desired behavior (customization).

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the System and method for key distribution and network connectivity of Alve into Valadez in view of Kuennen in order to provide writing, testing, debugging or troubleshooting, and maintaining the system using source code of computer programs.

As to claim 3, Valadez discloses the operation comprises filtration, sanitization or recirculation read on Col. 5, Lines 40-48.

As to claim 4, Valadez discloses all claimed limitations except a multiple access points. However, Alve teaches the water treatment apparatus has multiple access points read on Col. 1, Lines 67 – Col. 2, Lines 3. The artisan recognizes the obviousness of smart card that provides network connectivity, such as card reader to receive an access key by, for instance, by placing the KDC into a second media device that does have an integrated or peripheral card reader, and having the first media device connect to the second media device via a network or other data connection. The network connectivity so provided can be used, for example, to distribute access keys to other media devices.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the System and method for key distribution and network connectivity of Alve into Valadez in view of Kuennen in order to provide logging onto computer networks, accessing authorized domains, and accessing persistently-protected data.

As to claim 5, Valadez discloses the pass key includes a memory read on Col. 7, Lines 1-8.

As to claim 6, Valadez discloses the pass key contains data relating to the water treatment apparatus read on Col. 5, Lines 14-20.

As to claim 7, Valadez discloses the pass key is time coded read on Col. 6, Lines 62-64.

As to claim 9, the claim is interpreted and rejected as to claim 4.

As to claim 10, Valadez further discloses the pass key includes electronic circuits which can communicate with electronic circuits within the water treatment apparatus read on Col. 5, Lines 55 – Col 6, Line 6.

As to claim 11, Valadez in view of Kuennen discloses all claimed limitations except electronic circuit communicate via transmittable waveforms. However, Alve teaches an electronic circuit communicates via transmittable waveforms read on Col. 5, Lines 65-67. The artisan recognizes the obviousness of Smart Networking Card (SNC) that provides wireless network connectivity to a device by way of a specialized smart card. In wireless communication embodiments, the devices could communicate, for example, using Bluetooth or IEEE 802.11(b) communication protocols. Bluetooth is an open wireless protocol for exchanging data over short distances from fixed and mobile devices, creating personal area networks (PANs). It was originally conceived as a wireless alternative to RS232 data cables. It can connect several devices, overcoming problems of synchronization.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the System and method for key distribution and network connectivity of Alve into Valadez in view of Kuennen in order to provide logging onto computer networks, accessing authorized domains, and accessing persistently-protected data.

As to claim 12, Valadez discloses the electronic circuits communicate by physical contact read on read on Col. 5, Lines 55 – Col 6, Line 6.

As to claim 15, Valdez further discloses data includes at least one of validation information, process information and manufacturing information read on Col. 5, Lines 14-20.

As to claim 16, the claim is interpreted and rejected as to claim 11.

As to claim 17, Valadez in view of Kuennen discloses all claimed limitations except the pass key can be connected, installed and/or fitted into the water treatment apparatus. However, Alve teaches an the pass key can be connected, installed and/or fitted into the water treatment apparatus in order for the pass key to communicate with the water treatment apparatus Col. 2, Line 66 – Col 3, Line 6. The artisan recognizes the obviousness of a smart card placed into the KDC's EEPROM and/or ROM may be code for managing and distributing access keys stored. The user could place the KDC in the interface. Upon sensing the KDC in its smart card interface, the device could query its user as to whether it was desired that the device receive an access key from the KDC.

Therefore, it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the System and method for key distribution and network connectivity of Alve into Valadez in view of Kuennen in order to provide logging onto computer networks, accessing authorized domains, and accessing persistently-protected data.

Response to Arguments

8. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fekadeselassie Girma whose telephone number is (571) 270-5886. The examiner can normally be reached on Monday thru Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FG/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612